

## REMARKS

This communication is in response to the non-final Office Action that issued July 6, 2010. Claims 1 and 3 -18 are currently pending in the instant application. Claims 1-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Publication No. 2003/0141477 by Miller (“Miller”). With this Amendment, independent claims 1 and 12 have been amended to further clarify the invention. Claim 2 has been cancelled. Support for these amendments may be found throughout the specification as originally filed, for example in Figures 1-2 and in original claim 2. No new matter has been added.

### **Claim Rejections Under 35 U.S.C. § 102(b)**

In the Office Action, the Examiner rejected claims 1-18 under U.S.C. § 102(b) as being anticipated by Miller. Without conceding to the Examiner’s assertions of anticipation, Applicants have amended independent claims 1 and 12, and have cancelled claim 2.

Regarding independent claims 1 and 12, it is submitted that the references do not anticipate the currently pending claims. “A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *See MPEP § 2131; Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 has been amended to recite a port comprising a housing having first and second openings “wherein the second opening is adapted to connect to a catheter and is substantially perpendicular to the first opening.” Miller does not disclose the first and second openings of the port being substantially perpendicular. Rather, the openings and valve of Miller are all collinear. Therefore, Miller does not disclose each and every limitation of claim 1 and it does not anticipate

claim 1 or claims 3-11, which depend directly or indirectly from claim 1. In view of the foregoing, it is believed that the Examiner's rejections of claims 1 and 3-11 are overcome, and it is respectfully requested that the Examiner withdraw these rejections.

Claim 12 has been amended to recite a septum "wherein the septum is a unitary body." On page 2 of the rejection, the Examiner makes reference to a "septum (52)" mounted within a housing (26) of Miller. Miller does not disclose a septum which is a unitary body. Instead, Miller discloses a slit (52) through a valve stem (32), which valve stem has an integral fluid passageway (50). The valve stem disclosed by Miller is plainly structurally and functionally distinct the unitary body claimed by the instant application. Therefore, Miller does not disclose each and every limitation of claim 12, and it does not anticipate claim 12 or claims 13-18, which depend directly or indirectly from claim 12. In view of the foregoing, it is believed that the Examiner's rejections of claims 12-18 have been overcome, and it is respectfully requested that the Examiner withdraw these rejections.

With respect to claim 2, the claim has been cancelled, and it is believed that the Examiner's rejection has been rendered moot. It is respectfully requested that the Examiner withdraw this rejection.

From the foregoing, the Examiner's rejections under 35 U.S.C. § 102(b) of claims 1-18 are believed to be overcome. It is, therefore, respectfully requested that the Examiner withdraw these rejections.

### CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is respectfully requested.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (202) 373-6000 so that prosecution of the application may be expedited.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4047 (7061922001).

Respectfully submitted,

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